

Application No. 09/939,276
Page 2

Re: pone

medical device having species 1-8 and a support member having species A-E. The Office action further requires that a single species of medical device and a single species of support member also be elected.

In response, of the eight species of medical device identified, Applicants provisionally elect species 8, corresponding to FIG.11; and of the five species of support member identified, Applicants provisionally elect species A, corresponding to FIG. 3. Claims 1-8, 17, and 40-49 read on the elected species.

It should be noted that Applicants have made the above species elections without traverse on the grounds that claim 1 is generic to all of the elected species. Applicants note that the species shown in FIG. 8 while not showing the feature of the support member, is an illustration of a proximal end of a catheter assembly that may be utilized with any of the species of medical devices shown, and as such includes all of the features of the instant claim as fully described in the specification (see page 11, line 28 to page 12, line 5).

In light of the above, please withdraw claims 9-16, 18-39 and 50-54. Applicants note however, that in the event claim 1, which Applicants believe to be generic, is allowed, those claims that have been withdrawn but which claim dependency from claim should be reentered for consideration.

FORMALITIES

If an extension of time is required to make this response timely and no separate petition is enclosed, Applicants hereby petition for an extension of time sufficient to make the response timely. In the event that this response requires the payment of government fees and payment is not enclosed, please charge Deposit Account No. 22-0350.

Application No. 09/939,276
Page 3

Response

CONCLUSION

In view of the foregoing it is believed that the present application, with claims 1-8, 17, and 40-49 is in condition for allowance. Early action to that effect is earnestly solicited.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date:

7/7/03

By:

[Signature]
James M. Urzedowski
Registration No.: 48596

6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001
Jmu/9828amnd-20030707.doc